

State of Arizona  
House of Representatives  
Forty-sixth Legislature  
Second Regular Session  
2004

CHAPTER 177

**HOUSE BILL 2050**

AN ACT

AMENDING SECTIONS 38-642 AND 38-644, ARIZONA REVISED STATUTES; RELATING TO  
FIREFIGHTER CANCER INSURANCE.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 38-642, Arizona Revised Statutes, is amended to  
3 read:

4 38-642. Fire fighter cancer insurance policy program

5 A. The fund manager shall establish and administer a fire fighter  
6 cancer insurance policy program for participating employers that employ fire  
7 fighters. For the purposes of the internal revenue code, the program is an  
8 integral part of a political subdivision of this state.

9 B. Participating employers that employ fire fighters shall participate  
10 in the program.

11 C. The fund manager shall contract for a group cancer insurance policy  
12 to provide coverage as prescribed by section 38-645 or may self-insure the  
13 program by establishing an insurance policy that is of its own design and  
14 that is underwritten by the assets of the fire fighter cancer insurance  
15 policy program account established by section 38-643. When procuring,  
16 establishing or administering any cancer insurance policy provided pursuant  
17 to this article the fund manager is exempt from the requirements of title 41,  
18 chapter 23.

19 D. On or before July 31 of each year, the fund manager shall notify  
20 each employer required to participate in the program of the total amount  
21 payable to the fund manager to pay for the costs of the program. The amount  
22 charged to each employer shall equal NOT EXCEED one hundred eighty dollars  
23 for each employee of the employer who is a fire fighter on record with the  
24 fund manager as of June 30 of that year. Each employer shall pay this amount  
25 to the fund manager on or before August 31 of each year.

26 E. Employers that fail to pay the amount required by subsection D of  
27 this section by August 31 shall pay a fifteen per cent late charge to the  
28 fund manager on all delinquent amounts accrued monthly. If the amount due  
29 and the late charge are not paid within thirty days, the fund manager may  
30 recover the amounts due from the employer by either:

31 1. Filing an action in a court of competent jurisdiction to recover  
32 the amount due.

33 2. Requesting a deduction of any monies, including excise revenue  
34 taxes, payable to the employer by any department or agency of this state.

35 F. If the fund manager self-insures the program the fund manager and  
36 the program are exempt from title 20 and any rules adopted pursuant to title  
37 20.

38 Sec. 2. Section 38-644, Arizona Revised Statutes, is amended to read:  
39 38-644. Eligibility

40 A. Except as provided in subsections B, and C AND D, to qualify for  
41 covered benefits under the program, a person must satisfy all of the  
42 following criteria:

43 1. Be an active or retired member of the public safety personnel  
44 retirement system.

1           2. Be a ~~fire fighter~~ FIREFIGHTER who is or was regularly assigned to  
2 hazardous duty of the type normally expected of a ~~fire fighter~~ FIREFIGHTER.

3           3. Have cancer that was first diagnosed after the person's date of  
4 membership in the public safety personnel retirement system.

5           B. Persons who terminate employment with a participating employer are  
6 not eligible for benefits under the program unless the person has made a  
7 valid claim for payment of expenses under the program before termination of  
8 employment.

9           C. On retirement, persons who were either receiving benefits under the  
10 program before retirement or who are diagnosed with cancer subsequent to  
11 retirement remain eligible for coverage under the program for five months for  
12 each year of credited service accumulated toward retirement under the public  
13 safety personnel retirement system.

14          D. A PERSON WHOSE ELIGIBILITY TO RECEIVE BENEFITS UNDER SUBSECTION C  
15 IS EXPIRING MAY CONTINUE TO REMAIN ELIGIBLE FOR COVERAGE UNDER THE PROGRAM  
16 IF THE PERSON MAKES AN ELECTION WITH THE FUND MANAGER AND PAYS TO THE FUND  
17 MANAGER THE COST OF THE PREMIUM AS DETERMINED BY THE FUND MANAGER AT THE TIME  
18 DETERMINED BY THE FUND MANAGER.

19          E. A person is not eligible for benefits under the program if  
20 there is any evidence that the cancer that forms the basis for a benefit  
21 claim under the program existed before the person's membership in the public  
22 safety personnel retirement system.

APPROVED BY THE GOVERNOR MAY 3, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 3, 2004.



Passed the House January 22, 2004

by the following vote: 57 Ayes,  
0 Nays, 3 Not Voting

Jake Flake  
Speaker of the House  
Norman L. Moore  
Chief Clerk of the House

Passed the Senate April 6, 2004

by the following vote: 29 Ayes,  
0 Nays, 1 Not Voting

Ken Bennett  
President of the Senate  
Channing Billington  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill ~~was~~ received by the Governor this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.  
\_\_\_\_\_  
Secretary to the Governor

~~Approved this \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.  
\_\_\_\_\_  
Governor of Arizona~~

H.B. 2050

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.  
\_\_\_\_\_  
Secretary of State

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

April 27, 2004,

by the following vote: 54 Ayes,

1 Nays, 5 Not Voting

Jack Flake  
Speaker of the House  
Norman L. Moore  
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

27<sup>th</sup> day of April, 2004.

at 1:28 o'clock P. M.

Jennifer Lybarger  
Secretary to the Governor

Approved this 5-3-04 day of

May, 2004,

at 2<sup>40</sup> o'clock P. M.

J. N. Arizon  
Governor of Arizona

H.B. 2050

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 3 day of May, 2004,

at 3:51 o'clock P. M.

Janice K. Brewer  
Secretary of State